

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 22, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1764

**Introduced by Senator Runner
(Coauthor: Senator Alquist)**

February 24, 2006

An act to amend Sections 42238.5, 48000, and 48010 of, and to add Sections 42238.20 and 48012 to, the Education Code, relating to pupil admission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1764, as amended, Runner. Kindergarten: age of admission.

(1) Existing law requires a child to be admitted to kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th birthday on or before December 2 of that school year. Existing law requires a child to be admitted to the 1st grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of that school year.

This bill would instead require that a child be admitted to kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th birthday on or before December 2 of the school year for the 2008–09 school year and each previous school year, on or before November 1 for the 2009–10

school year, on or before October 1 for the 2010–11 school year, and on or before September 1 for the 2011–12 school year and each school year thereafter. The bill would also require that a child be admitted to first grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before those dates, or if, up to and including the 2011–12 school year, the child has completed a school year of kindergarten.

This bill would express the intent of the Legislature that any savings realized as a result of this change in age for admission to kindergarten be appropriated, as provided, *first, to fund the unmet need for preschool and child care and development services in the vicinity of schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index (API), as specified, and then, to compensate school districts for the loss in average daily attendance resulting from the change in the age for kindergarten admission*—~~and to provide school readiness programs for children who are 4 years old, and who, due to the changes made by this bill, no longer qualify for kindergarten admission.~~

(2) Existing law establishes the requirements for calculating average daily attendance for a school district and requires those calculations to be used to establish the revenue limit for that school district.

This bill would establish an additional calculation to be performed, *when funding is available for this purpose*, for school districts that experience a loss of average daily attendance due to the change in the age of admission for kindergarten that would result in those districts having increased units of average daily attendance being used in the calculation of the revenue limits for those districts during specified fiscal years based on the instructional levels offered by the districts.

~~The bill would require school districts that receive the increased funding and that offer kindergarten to use part of the funding to provide a school readiness program for displaced children that would have been eligible for admission to kindergarten prior to the changes made by this bill. The bill also would require instructors in the kindergarten readiness program hold specified credentials or permits from the Commission on Teacher Credentialing. The bill would require the State Department of Education to develop guidelines and regulations for the school readiness programs.~~

~~(3) Existing law establishes the parameters under which enrollment is calculated for purposes of the financial support of the public school system required by specified provisions of the California Constitution.~~

~~This bill would provide that pupils participating in specified school readiness programs generate average daily attendance for purposes of being included in the calculation of changes in enrollment pursuant to specified provisions of the California Constitution that are used to calculate the moneys to be applied by the state for the support of school districts and community college districts pursuant to specified provisions of the California Constitution.~~

(3) Existing law, the California Constitution, provides the formula for calculating the minimum amount of funding that is required to be reserved from the General Fund for the support of the public school system and public institutions of higher education, as specified. Existing law requires that in order for an appropriation that is not allocated to a school district or a community college district to be counted toward satisfying the minimum funding requirement, the intent of the Legislature that the funding be included in that calculation is required to be expressed in a statute other than the annual Budget Act.

This bill would require that any savings realized pursuant to the change in the age of admission to kindergarten first be allocated to the State Department of Education, upon appropriation by the Legislature, to fund the unmet need for preschool programs and child care and development services in the vicinity of schools ranked in deciles 1 to 3, inclusive of the API, as specified; and then, once the department has certified those needs have been met, be allocated to school districts, upon appropriation by the Legislature, to offset the reduction in average daily attendance resulting from the change in the age of admission to kindergarten. The bill would require that any of the funds appropriated for these purposes, as specified, be counted toward satisfaction of the minimum funding requirement imposed by Section 8 of Article XVI of the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as
2 the School Readiness Act of 2007.

1 SEC. 2. (a) The Legislature hereby finds and declares all of
2 the following:

3 (1) By delaying the age at which children are permitted to
4 enroll in kindergarten, California's children will be better
5 prepared to enter into the academic environment that is required
6 by the kindergarten curriculum.

7 (2) The change described in paragraph (1) will result in a
8 decrease in the number of pupils enrolled in kindergarten over a
9 three-year period and that decreased enrollment will affect the
10 class size in each subsequent grade level through and including
11 the 2023–24 school year. It is estimated that there will be a
12 25-percent decrease in the enrollment of kindergarten classes
13 over this three-year period that will affect the subsequent grade
14 levels over the 15-year period.

15 (3) The decrease in enrollment described in paragraph (2)
16 will necessarily decrease the number of units of average daily
17 attendance that a school district may claim for the purpose of
18 computing the amount of state revenue limit aid a school district
19 may receive, thereby allowing the state to realize significant cost
20 savings.

21 (b) It is further the intent of the Legislature that these cost
22 savings be appropriated *first, to fund the unmet need for*
23 *preschool programs operating within the attendance boundaries*
24 *of one or more schools ranked in deciles 1 to 3, inclusive, on the*
25 *Academic Performance Index (API), and to provide*
26 *reimbursement for child care and development services for*
27 *eligible families residing in a school district that maintains one*
28 *or more schools ranked in deciles 1 to 3, inclusive, on the API;*
29 *and then, to compensate school districts for loss in average daily*
30 *attendance resulting from changing the age at which children are*
31 *required to be admitted to kindergarten, and to provide school*
32 *readiness programs for children who are four years old, and who,*
33 *due to the changes made by the School Readiness Act of 2007,*
34 *no longer qualify for kindergarten admission.*

35 (c) It is further the intent of the Legislature that teachers not be
36 displaced by a school district as a result of the implementation of
37 this legislation.

38 SEC. 3. Section 42238.5 of the Education Code is amended to
39 read:

1 42238.5. (a) For purposes of Section 42238, the fiscal year
2 average daily attendance shall be computed pursuant to
3 paragraph (1), (2), or 3, as applicable.

4 (1) The second principal apportionment regular average daily
5 attendance for either the current or prior fiscal year, whichever is
6 greater. However, prior fiscal year average daily attendance shall
7 be adjusted for any loss or gain of average daily attendance due
8 to a reorganization or transfer of territory, or for any change in
9 average daily attendance for pupils who are concurrently enrolled
10 in adult programs and classes pursuant to Section 52616.17.

11 (2) Any school district that elects to receive funding pursuant
12 to Article 4 (commencing with Section 42280) shall compute its
13 units of average daily attendance for purposes of Section 42238
14 by subtracting the amount determined in subparagraph (B) from
15 the amount determined in subparagraph (A).

16 (A) The units of average daily attendance computed pursuant
17 to paragraph (1).

18 (B) The units of average daily attendance resulting from pupils
19 attending schools funded pursuant to Article 4 (commencing with
20 Section 42280).

21 (3) For a school district to which Section 42238.20 is
22 applicable *and if funding exists for this purpose pursuant to*
23 *subdivision (b) of Section 48012*, add to the average daily
24 attendance calculated for that school district in paragraph (1) or
25 (2), the additional units of average daily attendance calculated
26 pursuant to Section 42238.20.

27 (b) For purposes of this article, regular average daily
28 attendance shall be the base revenue limit average daily
29 attendance, excluding summer school average daily attendance.

30 SEC. 4. Section 42238.20 is added to the Education Code, to
31 read:

32 42238.20. In order to compensate school districts during the
33 fiscal years from 2009–10 to 2023–24, inclusive, for the loss of
34 average daily attendance resulting from changing the age at
35 which children are required to be admitted to kindergarten
36 pursuant to Section 48000, the number of units of average daily
37 attendance computed for a school district pursuant to Section
38 42238.5 shall be increased using the following calculations, as
39 appropriate, *if funding exists for this purpose pursuant to*
40 *subdivision (b) of Section 48012*:

(a) Elementary school districts offering kindergarten and grades 1 to 6, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2009–10, 2010–11, and 2011–12 school years, for each of the fiscal years from 2009–10 to 2017–18, inclusive, as follows:

(1) Determine the total number of units of average daily attendance generated from the current fiscal year by pupils enrolled in the classes of pupils who entered into kindergarten in the 2009–10, 2010–11, and 2011–12 school years.

(2) Multiply the number determined in paragraph (1) by 0.0909 to calculate the additional number of units of average daily attendance for the school district.

(b) Elementary school districts offering kindergarten and grades 1 to 8, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2009–10, 2010–11, and 2011–12 school years, for each of the fiscal years from 2009–10 to 2019–20, inclusive, as follows:

(1) Determine the total number of units of average daily attendance generated from the current fiscal year by pupils enrolled in the classes of pupils who entered into kindergarten in the 2009–10, 2010–11, and 2011–12 school years.

(2) Multiply the number determined in paragraph (1) by 0.0909 to calculate the additional number of units of average daily attendance for the school district.

(c) School districts offering kindergarten and grades 1 to 12, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2009–10, 2010–11, and 2011–12 school years, for each of the fiscal years from 2009–10 to 2023–24, inclusive, as follows:

(1) Determine the total number of units of average daily attendance generated from the current fiscal year by pupils enrolled in the classes of pupils who entered into kindergarten in the 2009–10, 2010–11, and 2011–12 school years.

(2) Multiply the number determined in paragraph (1) by 0.0909 to calculate the additional number of units of average daily attendance for the school district.

(d) High school districts offering grades 7 to 12, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2009–10, 2010–11, and 2011–12 school years, for each of the fiscal years from 2016–17 to 2023–24, inclusive, as follows:

(1) Determine the total number of units of average daily attendance generated from the current fiscal year by pupils enrolled in the classes of pupils who entered into kindergarten in the 2009–10, 2010–11, and 2011–12 school years.

(2) Multiply the number determined in paragraph (1) by 0.0909 to calculate the additional number of units of average daily attendance for the school district.

(e) High school districts offering grades 9 to 12, inclusive, shall increase the number of units of average daily attendance generated by the classes of pupils who entered into kindergarten in each of the 2009–10, 2010–11, and 2011–12 school years, for each of the fiscal years from 2018–19 to 2023–24, inclusive, as follows:

(1) Determine the total number of units of average daily attendance generated from the current fiscal year by pupils enrolled in the classes of pupils who entered into kindergarten in the 2009–10, 2010–11, and 2011–12 school years.

(2) Multiply the number determined in paragraph (1) by 0.0909 to calculate the additional number of units of average daily attendance for the school district.

SEC. 5. Section 48000 of the Education Code is amended to read:

48000. (a) (1) Through the 2008–09 school year, a child shall be admitted to a kindergarten at the beginning of a school year, or at any later time in the same year if the child will have his or her fifth birthday on or before December 2 of that school year.

(2) A child who will have his or her fifth birthday on or before December 2 may be admitted to the prekindergarten summer program maintained by the school district for pupils who will be enrolling in kindergarten in September.

(b) For the 2009–10 school year, a child shall be admitted to a kindergarten at the beginning of a school year, or at any later

1 time in the same year, if the child will have his or her fifth
2 birthday on or before November 1 of that school year.

3 (c) For the 2010–11 school year, a child shall be admitted to a
4 kindergarten at the beginning of a school year, or at any later
5 time in the same year, if the child will have his or her fifth
6 birthday on or before October 1 of that school year.

7 (d) For the 2011–12 school year, and each school year
8 thereafter, a child shall be admitted to a kindergarten at the
9 beginning of the school year, or at any later time in the same
10 year, if the child will have his or her fifth birthday on or before
11 September 1 of that school year.

12 (e) The governing board of any school district maintaining one
13 or more kindergartens may, on a case-by-case basis, admit to a
14 kindergarten a child having attained the age of five years at any
15 time during the school year with the approval of the parent or
16 legal guardian, subject to the following conditions:

17 (1) The governing board determines that the admittance is in
18 the best interests of the child.

19 (2) The parent or legal guardian is given information regarding
20 the advantages and disadvantages and any other explanatory
21 information about the effect of this early admittance.

22 SEC. 6. Section 48010 of the Education Code is amended to
23 read:

24 48010. (a) Through the 2008–09 school year, a child shall be
25 admitted to the first grade of an elementary school during the
26 first month of a school year if the child will have his or her sixth
27 birthday on or before December 2 of that school year.

28 (b) For the 2009–10 school year, a child shall be admitted to
29 the first grade of an elementary school during the first month of a
30 school year if the child will have his or her sixth birthday on or
31 before November 1 of that school year.

32 (c) For the 2010–11 school year, a child shall be admitted to
33 the first grade of an elementary school during the first month of a
34 school year if the child will have his or her sixth birthday on or
35 before October 1 of that school year.

36 (d) For the 2011–12 school year, and each school year
37 thereafter, a child shall be admitted to the first grade of an
38 elementary school during the first month of a school year if the
39 child will have his or her sixth birthday on or before September 1
40 of that school year.

1 (e) For good cause, the governing board of a school district
2 may permit a child of proper age to be admitted to a class after
3 the first school month of the school term.

4 (f) Notwithstanding subdivisions (a) to (c), inclusive, a child
5 shall not be prevented from enrolling in the first grade of an
6 elementary school during the first month of a school year up to
7 and including the 2011–12 school year based solely on his or her
8 birthday if he or she has completed a school year of kindergarten.

9 *SEC. 7. Section 48012 is added to the Education Code, to*
10 *read:*

11 *48012. (a) The first priority for savings realized by the state*
12 *as a result of the change in the age of admission to kindergarten*
13 *pursuant to Section 48000, as amended by Senate Bill 1764 of*
14 *the 2005–06 Regular Session, shall be allocated to the*
15 *department, upon appropriation by the Legislature, for purposes*
16 *of funding the unmet need for preschool programs operating*
17 *within the attendance boundaries of schools ranked in deciles 1*
18 *to 3, inclusive, of the Academic Performance Index (API)*
19 *pursuant to Section 52056, and providing reimbursement for*
20 *child care and development services pursuant to the Child Care*
21 *and Development Services Act (Chapter 2 (commencing with*
22 *Section 8200) of Part 6) for eligible families residing in a school*
23 *district that maintains one or more schools ranked in deciles 1 to*
24 *3, inclusive, of the API.*

25 *(b) Any funds remaining from the savings realized by the state*
26 *as a result of the change in the age of admission to kindergarten*
27 *pursuant to Section 48000, as amended by Senate Bill 1764 of*
28 *the 2005–06 Regular Session, after the department certifies that*
29 *all preschool and child care needs have been met pursuant to*
30 *subdivision (a) shall be allocated to school districts, upon*
31 *appropriation by the Legislature, to offset the loss in revenue*
32 *from the reduction in average daily attendance resulting from the*
33 *change in the age of admission to kindergarten pursuant to*
34 *Section 48000, as amended by Senate Bill 1764 of the 2005–06*
35 *Regular Session.*

36 *(c) Any appropriations made for purposes of subdivisions (a)*
37 *and (b) shall be applied toward the minimum funding*
38 *requirements for school districts and community college districts*
39 *imposed by Section 8 of Article XVI of the California*
40 *Constitution.*

1 ~~SEC. 7. Section 48012 is added to the Education Code, to~~
2 ~~read:~~

3 ~~48012. (a) A school district receiving increased funds as a~~
4 ~~result of the calculations performed in Section 42238.20 that~~
5 ~~offers kindergarten shall use a portion of these funds to provide a~~
6 ~~school readiness program for displaced children that would have~~
7 ~~been eligible for admission to kindergarten prior to the~~
8 ~~amendment of Section 48000 by Senate Bill 1764 of the 2005-06~~
9 ~~Regular Session.~~

10 ~~(b) For purposes of this section, a “displaced child” means:~~

11 ~~(1) For the 2009-10 school year, a child who will have his or~~
12 ~~her fifth birthday no earlier than November 2 and no later than~~
13 ~~December 2 of that school year.~~

14 ~~(2) For the 2010-11 school year, a child who will have his or~~
15 ~~her fifth birthday no earlier than October 2 and no later than~~
16 ~~December 2 of that school year.~~

17 ~~(3) For the 2011-12 school year and each school year~~
18 ~~thereafter, a child who will have his or her fifth birthday no~~
19 ~~earlier than September 2 and no later than December 2 of that~~
20 ~~school year.~~

21 ~~(c) (1) An instructor participating in a school readiness~~
22 ~~program pursuant to this section shall hold a credential or permit~~
23 ~~from the Commission on Teacher Credentialing that authorizes~~
24 ~~service in kindergarten or child care and development programs,~~
25 ~~pursuant to Division 8 of Title 5 of the California Code of~~
26 ~~Regulations.~~

27 ~~(2) The department shall develop additional guidelines and~~
28 ~~regulations for school readiness programs required pursuant to~~
29 ~~subdivision (a).~~

30 ~~(3) A school district that provides a school readiness program~~
31 ~~pursuant to subdivision (a) shall retain oversight of the program.~~

32 ~~(d) Pupils enrolled in a school readiness program under this~~
33 ~~section shall generate average daily attendance for purposes of~~
34 ~~being included in the calculation of changes in enrollment~~
35 ~~pursuant to subdivision (f) of Section 8 of Article XVI of the~~
36 ~~California Constitution that are used to calculate the moneys to~~
37 ~~be applied by the state for the support of school districts and~~
38 ~~community college districts pursuant to paragraph (2) or (3) of~~

1 ~~subdivision (b) of Section 8 of Article XVI of the California~~
2 ~~Constitution.~~

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